IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12029 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

UMEDBHAI BAVABHAI VAGHARI

Versus

DIST MAGISTRATE

Appearance:

HL PATEL ADVOCATES for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/02/2001

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner has been detained as a bootlegger under the order of the District Magistrate, Kheda at Nadiad. Last case was registered against the petitioner

on 20-6-2000. It is not in dispute that in this case the petitioner was released on bail on 3-7-2000. One unregistered case against him is taken into consideration. The statements of the privileged witnesses were recorded in that case on 27-7-2000 and verification thereof has been made on 28-7-2000, but still no action has been taken and this order came to be passed on 14-9-2000. There is no explanation for this delay made in passing of the detention order of the petitioner. This matter is squarely covered by the decision of the Hon'ble Supreme Court in the case of PN Paturkar vs. S Ramamurthi reported in AIR 1994 SC 656.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 14-9-2000 is quashed and set aside. The petitioner Umedbhai Bavabhai Vaghari, the detenu, at present in Surat Jail, Surat be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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